



LAW OFFICE OF FREDERICK M. OBERLANDER, P.C.

FREDERICK M. OBERLANDER  
ATTORNEY-AT-LAW

fred55@aol.com

28 SYCAMORE LANE (PO BOX 1870)  
MONTAUK, NEW YORK 11954  
TELEPHONE 212.826.03  
FAX 212.202.7624

June 26, 2013

Hon. Lorna G. Schofield  
U.S. District Judge, SDNY  
New York, New York 10007

**Kriss v. Bayrock, 10-cv-3959**  
**Kriss v. Bayrock, 13-cv-3905**

Dear Judge Schofield:

**Request to Put Off FRCP 72 Motion for Likely Mootness**

We ask prophylactic enlargement to avoid wasting counsel and court time making a technical appeal that is likely to soon prove unnecessary but can't be put off without your honor's order.

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On May 29, 2014, Judge Maas entered an order on the above dockets which, *inter alia*, required plaintiffs to produce certain materials by June 12, 2014.

On June 11, 2014, plaintiffs requested Judge Maas stay or enlarge time *sine die*.

On June 12, 2014, Judge Maas declined to enlarge time *sine die*.

On June 12, 2014, plaintiffs then requested enlargement of time to a date certain, viz. June 16, 2014. Judge Maas has not responded to that request.

Any "appeal" from the June 12, 2014 denial must be filed today. FRCP 72. But, the subsequent request, production, and other filings may moot the issue. To save counsels and the court work in dealing with what is likely to *in futuro* be a needless "appeal", as the 14 day FRCP 72 time isn't jurisdictional, *Wesolek v. Canadair, Ltd.*, 838 F.2d 55 (CA2 1988) plaintiffs ask the court endorse this letter into an order enlarging time to "appeal" from that June 12 denial to the next date (if any) on which plaintiffs actually do "appeal" pursuant to FRCP 72 from a related magistrate's order.

/s/ Frederick M. Oberlander  
Counsel for Plaintiffs

/s/ Richard E. Lerner  
Co-counsel